

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS (WORCESTER)**

In re:

TOP LINE GRANITE DESIGN, INC.,

Debtor

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Case No. 22-40216(EDK)

Chapter 11

OBJECTION TO MOTION TO CONVERT AND BRIEF SUPPORTING MEMORANDUM

FIRST CITIZENS BANK & TRUST COMPANY, a/k/a CIT BANK NA, a secured creditor in interest herein (“CIT”), wishes to file the instant OBJECTION to the Trustee’s Motion to Convert which is scheduled to be heard on March 9, 2023 (the “Motion”) as being premature given the travel of the past day.

CIT is the holder of a perfected PMSI of a piece of equipment vital to the Debtor’s business operations. CIT has been patiently involved in the particulars of the sale of the assets of the Debtor (the “Sale”) and as recently as of a few hours ago, been a participant in a conference call among Debtor’s counsel, the Subchapter V Trustee, the purported buyer, the counsel to the priority secured creditor of all of the Debtor’s remaining assets (the “Call).

The Call originated on Tuesday, March 7th; it concluded this afternoon. There was a great deal of resolution of the issues regarding the consummation of the Sale save one issue surrounding the lease of the non-Estate property where the buyer would continue the Debtor's business operations under obviously new ownership (the "Lease"). The required funds were credited to escrow earlier in the week.

It has been an extremely long period since early November when this Court granted the Debtor's Motion to Sell; what appears remaining is a request of this Court to become involved in the Lease issue, which on first blush, appears to be solvable.

Based upon the gargantuan efforts among all of the parties to bring the Sale to fruition during the Meeting, CIT believes it would not be in the best interest of the Bankruptcy Estate to grant the Motion and convert the case tomorrow. The issue as to the Lease could be resolved in less than a week, 'up or down'.

In light of the foregoing, CIT respectfully requests its Objection be SUSTAINED.

Respectfully submitted,
FIRST CITIZENS BANK & TRUST COMPANY
a/k/a CIT BANK NA
By its attorneys,

/s/William J. Delaney

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Dated: March 8, 2023

CERTIFICATION

I hereby certify that on the 8th day of March, 2023, a copy of the within Objection was caused to be sent electronically through the CM/ECF system to the following:

Richard King, Esq., Office of the United States Trustee
Lisa D. Tingué, Attorney, Office of the United States Trustee
Macken Toussaint, Attorney
Steven Weiss, Esq., Trustee
Alan L. Braunstein, Esq.

/s/William J. Delaney
